

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 24, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 24, 2003

The Senate met in regular session at 8:25 a.m., Senator Sievers presiding.

Prayer was offered by the following seventh and eighth grade students from Ocheyedan Christian School: Tricia Beltman, Matthew Berends, Levi Bootsma, Kelly Slagter, Mitchell Tiedeman, Tessa Vande Hoef, and Brittany Weg. They were the guests of Senator Johnson.

The Journal of Wednesday, April 23, 2003, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2003, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 422, a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date. ([S-3301](#))

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:17 a.m., Senator Behn presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2003, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 457](#), a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood.

[House File 560](#), a bill for an act relating to medical assistance home and community-based services waivers.

ALSO: That the House has on April 23, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 668](#), a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations.

Read first time and referred to committee on **Ways and Means**.

[House File 672](#), a bill for an act relating to the regulation of adult day services, providing for penalties, and providing an effective date.

Read first time and referred to committee on **Government Oversight**.

[House File 687](#), a bill for an act providing a sales and use tax exemption for soy-based railroad rail lubricants.

Read first time and referred to committee on **Ways and Means**.

RECESS

On motion of Senator Sievers, the Senate recessed at 10:19 a.m. until 2:30 p.m.

APPENDIX — 1**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: April 24, 2003, 10:20 a.m.

Members Present: Lamberti, Chair; Kramer, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed [HF 682](#) and approved SSBs 1204 and 1205.

Recessed: 11:55 a.m.

Reconvened: 3:35 p.m.

Adjourned: 3:40 p.m.

COMMERCE

Convened: April 24, 2003, 1:10 p.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, Larson, McCoy, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: None.

Committee Business: Approved [SSB 1206](#).

Adjourned: 4:00 p.m.

WAYS AND MEANS

Convened: April 24, 2003, 1:45 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart.

Members Absent: Lamberti (excused).

Committee Business: Passed [SF 115](#) and HFs 665, 671, and 680. Approved [SSB 1199](#).

Adjourned: 3:20 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 37](#), by Warnstadt, a resolution honoring Mr. Larry Kisor for his success in directing the Sioux City North High School Jazz Band.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

[Senate File 454](#), by committee on Appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

[SSB 1206](#) **Commerce**

Nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

[House File 358](#)

GOVERNMENT OVERSIGHT: Wieck, Chair; Dvorsky and Lundby

[House File 668](#)

WAYS AND MEANS: Rehberg, Chair; Bolkcom and McKibben

[House File 675](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

[House File 679](#)

WAYS AND MEANS: Angelo, Chair; Dotzler and McKinley

[House File 687](#)

WAYS AND MEANS: Sievers, Chair; McKibben and Stewart

[SSB 1206](#)

COMMERCE: Wieck, Chair; Larson and Warnstadt

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: [SENATE FILE 453 \(SSB 1205\)](#), a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Lamberti, Kramer, Behn, Gaskill, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, and Zieman. Nays, 10: Dvorsky, Black, Bolkcom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Present, 1: Miller. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 454 \(SSB 1204\)](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: Lamberti, Kramer, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 682](#), a bill for an act relating to wine by providing for native wine permits, providing wine gallonage tax revenue to support grape and wine development, providing for fees, and providing an effective date and retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Lamberti, Kramer, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Present, 1: Miller. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: [SENATE JOINT RESOLUTION 5 \(SSB 1206\)](#), a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Behn, Brunkhorst, Kettering, Larson, Redfern, Schuerer, Sievers, and Stewart. Nays, 3: Beall, Bolkcom, and Gronstal. Present, 1: McCoy. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: [HOUSE FILE 665](#), a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Bolkcom, Angelo, Connolly, Dotzler, Hosch, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, 2: Shull and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 671](#), a bill for an act relating to the recycling property exemption from property tax and including an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 680](#), a bill for an act relating to licenses for bait dealers by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Bolkcom, Angelo, Connolly, Dotzler, Hosch, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, 2: Shull and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 24th day of April, 2003:

Senate Files 172, 230, 351, 379, 386, 392, and 397.

MICHAEL E. MARSHALL
Secretary of the Senate

RECONVENED

The Senate reconvened at 4:34 p.m., Senator Sievers presiding.

INTRODUCTION OF BILL

[Senate File 453](#), by committee on Appropriations, a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates.

Read first time and **placed on Appropriations calendar.**

QUORUM CALL

Senator Veenstra requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

The Senate stood at ease at 4:47 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:45 p.m., Senator Boettger presiding.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 5](#), by committee on Commerce, a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date.

Read first time and **placed on calendar.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden, for the remainder of the day, on request of Senator Gronstal; and Senator Houser, until he arrives, on request of Senator Veenstra.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 426](#).

[Senate File 426](#)

On motion of Senator Seng, [Senate File 426](#), a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability, was taken up for consideration.

Senator Seng offered amendment [S-3287](#), filed by him on April 23, 2003, striking everything after the enacting clause of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 31, nays 2.

Amendment [S-3287](#) was adopted.

Senator Seng asked and received unanimous consent that [House File 681](#) be substituted for [Senate File 426](#).

[House File 681](#)

On motion of Senator Seng, [House File 681](#), a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 681](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Iverson
Johnson	Kettering	Kibbie	Kramer
Kreiman	Lamberti	Larson	Lundby
McCoy	McKibben	McKinley	Miller
Putney	Quirnbach	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Nays, none.

Absent, 2:

Dearden Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Seng asked and received unanimous consent that [Senate File 426](#) be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS (Deferred April 23, 2003)

[Senate File 444](#)

The Senate resumed consideration of [Senate File 444](#), a bill for an act relating to the requirements for receiving a property tax exemption for open prairies and wildlife habitats and including an applicability date provision, deferred April 23, 2003.

Senator Dotzler offered amendment [S-3304](#), filed by Senators Dotzler, Black, and Hosch from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment [S-3304](#) was adopted by a voice vote.

Senator Hosch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 444](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Iverson
Johnson	Kettering	Kibbie	Kramer
Kreiman	Lamberti	Larson	Lundby
McCoy	McKibben	McKinley	Miller
Putney	Quirnbach	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Nays, none.

Absent, 2:

Dearden Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

[House File 584](#)

Senator Miller called up for consideration, [House File 584](#), a bill for an act providing for exceptions to municipal tort liability for certain activities, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment [S-3285](#) to Senate amendment [H-1337](#), filed April 23, 2003.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Miller moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 584](#)), the vote was:

Yeas, 47:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Iverson
Johnson	Kettering	Kibbie	Kramer
Kreiman	Lamberti	Larson	Lundby
McCoy	McKibben	McKinley	Miller
Putney	Ragan	Redfern	Rehberg
Schuerer	Seng	Seymour	Shull
Sievers	Stewart	Tinsman	Veenstra
Warnstadt	Wieck	Zieman	

Nays, 1:

Quirnbach

Absent, 2:

Dearden Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Kramer took the chair at 6:13 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 448](#).

[Senate File 448](#)

On motion of Senator Larson, [Senate File 448](#), a bill for an act relating to the department of corrections and its duties regarding treatment and education of inmates at various correctional facilities,

release of presentence reports, optional inmate treatment and education provision, expansion of and appeals regarding earned time credits, change to the inmate savings and inmate telephone rebate fund, and payment of supervision fees, was taken up for consideration.

Senator Larson offered amendment [S-3300](#), filed by Senators Larson, Dvorsky, and Kreiman on April 23, 2003, to pages 1, 5, 8, 9, and to the title page of the bill, and moved its adoption.

Amendment [S-3300](#) was adopted by a voice vote.

Senator Larson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 448](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Iverson
Johnson	Kettering	Kibbie	Kramer
Kreiman	Lamberti	Larson	Lundby
McCoy	McKibben	McKinley	Miller
Putney	Quirnbach	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Nays, none.

Absent, 2:

Dearden Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration [Senate File 449](#).

[Senate File 449](#)

On motion of Senator Shull, [Senate File 449](#), a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on [Senate File 449](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 444 and 448 and House Files 584 and 681** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [House File 654](#).

[House File 654](#)

On motion of Senator Miller, [House File 654](#), a bill for an act relating to the exemption of sand handling and core and mold making equipment used in the mold making process from sales and use taxes, providing refunds, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Miller asked and received unanimous consent to withdraw amendment [S-3259](#), filed by Senator Miller, et al., on April 21, 2003, to page 1 and to the title page of the bill.

Senator Miller offered amendment [S-3309](#), filed by Senator Miller, et al., from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3309](#) was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 654](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

[House File 455](#)

On motion of Senator Tinsman, [House File 455](#), a bill for an act requiring licensed health-related professionals to report certain burn injuries to a law enforcement agency, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach offered amendment [S-3305](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3305](#) lost by a voice vote.

Senator Quirnbach offered amendment [S-3314](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-3314](#) lost by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 455](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McCoy	McKibben	McKinley
Miller	Putney	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Nays, 1:

Quirnbach

Absent, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Joint Resolution 5](#).

[Senate Joint Resolution 5](#)

On motion of Senator Wieck, [Senate Joint Resolution 5](#), a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date, was taken up for consideration.

POINT OF ORDER

Senator Black requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

BUSINESS PENDING

[Senate Joint Resolution 5](#)

The Senate resumed consideration of [Senate Joint Resolution 5](#).

Senator Bolckcom asked and received unanimous consent that action on [Senate Joint Resolution 5](#) be deferred.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2003, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 275](#), a bill for an act relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability.

[Senate File 417](#), a bill for an act relating to the purchase of a police service dog by the department of corrections.

ALSO: That the House has on April 24, 2003, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 454](#), a bill for an act relating to mandatory universal newborn and infant hearing screening.

ALSO: That the House has on April 24, 2003, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 368](#), a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board. ([S-3315](#))

ALSO: That the House has on April 24, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 677](#), a bill for an act relating to new capital investment for businesses and new jobs by creating a new capital investment program, creating tax incentives, and amending the new jobs and income program.

Read first time and referred to committee on **Ways and Means**.

[House File 685](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Read first time and **attached to similar** [Senate File 454](#).

HOUSE AMENDMENT CONSIDERED

Senate File 368

Senator Angelo called up for consideration **Senate File 368**, a bill for an act relating to advanced telecommunications services, including modification of rate provisions, economic development promotional certification, and a study of competition and access charges by the utilities board, amended by the House, and moved that the Senate concur in House amendment **S-3315**, filed April 24, 2003.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Angelo moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 368**), the vote was:

Yeas, 38:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hosch
Iverson	Johnson	Kettering	Kibbie
Kreiman	Lamberti	Larson	Lundby
McCoy	McKibben	Putney	Ragan
Redfern	Schuerer	Seng	Shull
Sievers	Stewart	Veenstra	Warnstadt
Wieck	Zieman		

Nays, 11:

Hatch	Holveck	Horn	Houser
Kramer	McKinley	Miller	Quirnbach
Rehberg	Seymour	Tinsman	

Absent, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

Senate File 449

The Senate resumed consideration of **Senate File 449**, a bill for an act providing a wind energy production tax credit under the individual and corporate income taxes, the franchise tax, and insurance premiums tax and including an applicability date provision, previously deferred.

Senator Shull offered amendment **S-3303**, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment **S-3303** was adopted by a voice vote.

Senator Beall offered amendment **S-3294**, filed by Senator Beall, et al., on April 23, 2003, to page 2 of the bill, and moved its adoption.

Amendment **S-3294** was adopted by a voice vote.

Senator Sievers offered amendment **S-3302**, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment **S-3302** was adopted by a voice vote.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 449**), the vote was:

Yeas, 47:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
McCoy	McKibben	Miller	Putney
Quirnbach	Ragan	Redfern	Rehberg
Schuerer	Seng	Seymour	Shull

Sievers Stewart Tinsman Veenstra
Warnstadt Wieck Ziemann

Nays, none.

Absent, 3:

Dearden Lundby McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 7:53 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 9:20 p.m., President Kramer presiding.

QUORUM CALL

Senator Putney requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

Senator Behn took the chair at 9:25 p.m.

HOUSE AMENDMENT CONSIDERED

[Senate Concurrent Resolution 2](#)

Senator Kramer called up for consideration [Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers and employees of the eightieth general assembly, amended by the House, and moved that the Senate concur in House amendment [S-3080](#), filed March 24, 2003.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kramer moved the adoption of [Senate Concurrent Resolution 2](#), as amended by the House and concurred in by the Senate, which motion prevailed by a voice vote.

President Kramer took the chair at 9:34 p.m.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 453](#).

[Senate File 453](#)

On motion of Senator Lamberti, [Senate File 453](#), a bill for an act relating to state and local government financial and regulatory matters, making and reducing appropriations, providing a fee, and providing applicability and effective dates, was taken up for consideration.

Senator Miller offered amendment [S-3308](#), filed by Senators Miller and Brunkhorst from the floor to page 4 of the bill.

The Senate stood at ease at 10:02 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 10:18 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Brunkhorst.

BUSINESS PENDING

[Senate File 453](#)

The Senate resumed consideration of [Senate File 453](#).

Senator Miller moved the adoption of amendment [S-3308](#).

A record roll call was requested.

On the question “Shall amendment [S-3308](#) be adopted?” ([S.F. 453](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 18:

Black	Brunkhorst	Hosch	Houser
Kreiman	Larson	McKinley	Miller
Putney	Quirnbach	Rehberg	Seng
Seymour	Sievers	Veenstra	Warnstadt
Wieck	Zieman		

Nays, 30:

Angelo	Beall	Behn	Boettger
Bolkcom	Connolly	Courtney	Dotzler
Drake	Dvorsky	Fraise	Gaskill
Gronstal	Hatch	Holveck	Horn
Iverson	Johnson	Kettering	Kibbie
Kramer	Lamberti	McCoy	McKibben
Ragan	Redfern	Schuerer	Shull
Stewart	Tinsman		

Absent, 2:

Dearden	Lundby
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Amendment [S-3308](#) lost.

Senator Putney withdrew amendment [S-3306](#), filed by him from the floor to pages 5 and 6 of the bill.

Senator Putney asked and received unanimous consent to withdraw amendment [S-3307](#), filed by Senators Putney and Kreiman from the floor to pages 5 and 6 of the bill.

Senator Hatch offered amendment [S-3312](#), filed by Senator Hatch, et al., from the floor to pages 19 and 21 of the bill, and moved its adoption.

Amendment [S-3312](#) was adopted by a voice vote.

Senator Hatch offered amendment [S-3311](#), filed by Senator Hatch, et al., from the floor to pages 30 and 31 of the bill.

Senator McKibben took the chair at 11:30 p.m.

President Kramer took the chair at 11:35 p.m.

The Senate stood at ease at 12:04 a.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 12:36 a.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Brunkhorst and Miller, until they return, on request of Senator Veenstra.

BUSINESS PENDING

[Senate File 453](#)

The Senate resumed consideration of [Senate File 453](#).

Senator Hatch moved the adoption of amendment [S-3311](#).

A record roll call was requested.

On the question "Shall amendment [S-3311](#) be adopted?" ([S.F. 453](#)), the vote was:

Yeas, 20:

Beall	Black	Bolkcom	Connolly
Courtney	Dotzler	Dvorsky	Fraise
Gronstal	Hatch	Holveck	Horn
Kibbie	Kreiman	McCoy	Quirnbach
Ragan	Seng	Stewart	Warnstadt

Nays, 26:

Angelo	Behn	Boettger	Drake
Gaskill	Hosch	Houser	Iverson
Johnson	Kettering	Kramer	Lamberti
Larson	McKibben	McKinley	Putney
Redfern	Rehberg	Schuerer	Seymour

Shull	Sievers	Tinsman	Veenstra
Wieck	Zieman		

Absent, 4:

Brunkhorst	Dearden	Lundby	Miller
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Amendment [S-3311](#) lost.

Senator Shull asked and received unanimous consent to withdraw amendment [S-3316](#), filed by Senators Shull and Connolly from the floor to page 37 of the bill.

Senator Gronstal offered amendment [S-3318](#), filed by him from the floor to pages 1-4 and to the title page of the bill.

President Pro Tempore Angelo took the chair at 1:10 a.m.

Senator Gronstal moved the adoption of amendment [S-3318](#).

A record roll call was requested.

On the question "Shall amendment [S-3318](#) be adopted?" ([S.F. 453](#)), the vote was:

Yeas, 20:

Beall	Black	Bolkcom	Connolly
Courtney	Dotzler	Dvorsky	Fraise
Gronstal	Hatch	Holveck	Horn
Kibbie	Kreiman	McCoy	Quirnbach
Ragan	Seng	Stewart	Warnstadt

Nays, 25:

Angelo	Behn	Boettger	Drake
Hosch	Houser	Iverson	Johnson
Kettering	Kramer	Lamberti	Larson
McKibben	McKinley	Putney	Redfern
Rehberg	Schuerer	Seymour	Shull
Sievers	Tinsman	Veenstra	Wieck
Zieman			

Absent, 5:

Brunkhorst	Dearden	Gaskill	Lundby
Miller			

Amendment [S-3318](#) lost.

Senator Lamberti offered amendment [S-3317](#), filed by him from the floor to pages 5–12, 14–18, 23, 24, 27–30, 32–34, 36, 37, and to the title page of the bill, and moved its adoption.

Amendment [S-3317](#) was adopted by a voice vote.

Senator Lamberti offered amendment [S-3319](#), filed by him from the floor to page 37 of the bill, and moved its adoption.

Amendment [S-3319](#) was adopted by a voice vote.

President Kramer took the chair at 1:35 a.m.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 453](#)), the vote was:

Yeas, 26:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Houser
Iverson	Johnson	Kettering	Kramer
Lamberti	Larson	Lundby	McKibben
McKinley	Putney	Redfern	Schuerer
Seymour	Shull	Sievers	Tinsman
Veenstra	Zieman		

Nays, 23:

Beall	Black	Bolkcom	Connolly
Courtney	Dotzler	Dvorsky	Fraise
Gronstal	Hatch	Holveck	Horn
Kibbie	Kreiman	McCoy	Miller
Quirnbach	Ragan	Rehberg	Seng
Stewart	Warnstadt	Wieck	

Absent, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 692, a bill for an act relating to taxation of property and income and including effective date and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 2**, **Senate Files 368, 449, and 453** and **House Files 455 and 654** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:50 a.m. until 10:00 a.m. Monday, April 28, 2003.

APPENDIX — 2**INTRODUCTION OF BILLS**

[Senate File 455](#), by committee on Ways and Means, a bill for an act providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

[Senate File 456](#), by committee on Ways and Means, a bill for an act relating to economic development by creating a position of technology transfer advisor, creating a loan and credit guarantee program and fund, creating an economic development marketing board, providing for a business start-up information internet web site, creating a grow Iowa fund, making appropriations and related tax changes, making changes to urban renewal law and related taxes, and including effective date and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

COMMITTEE REPORTS**WAYS AND MEANS**

Final Bill Action: [SENATE FILE 455](#) (formerly [SF 115](#)), a bill for an act providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 456](#) ([SSB 1199](#)), a bill for an act relating to economic development by creating a position of technology transfer advisor, creating a

loan and credit guarantee program and fund, creating an economic development marketing board, providing for a business start-up information internet web site, creating a grow Iowa fund, making appropriations and related tax changes, making changes to urban renewal law and related taxes, and including effective date and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: McKibben, Shull, Angelo, Hosch, Larson, McKinley, Miller, Rehberg, and Sievers. Nays, 7: Bolkcom, Connolly, Dotzler, McCoy, Quirmbach, Seng, and Stewart. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

<u>S-3301</u>	<u>S.F. 422</u>	House
<u>S-3302</u>	<u>S.F. 449</u>	Bryan J. Sievers
<u>S-3303</u>	<u>S.F. 449</u>	Doug Shull
<u>S-3304</u>	<u>S.F. 444</u>	William Dotzler
		Dennis H. Black
		Julie Hosch
<u>S-3305</u>	<u>H.F. 455</u>	Herman C. Quirmbach
<u>S-3306</u>	<u>S.F. 453</u>	John Putney
<u>S-3307</u>	<u>S.F. 453</u>	John Putney
		Keith A. Kreiman
<u>S-3308</u>	<u>S.F. 453</u>	David Miller
		Bob Brunkhorst
<u>S-3309</u>	<u>H.F. 654</u>	David Miller
		Eugene S. Fraise
		Thomas G. Courtney
		Mike Connolly
		William Dotzler
<u>S-3310</u>	<u>H.F. 595</u>	Ron Wieck
<u>S-3311</u>	<u>S.F. 453</u>	Jack Hatch
		Robert E. Dvorsky
		Amanda Ragan
		Keith A. Kreiman
		Jack Holveck
		Michael E. Gronstal
		Matt McCoy
		John P. Kibbie
		Mike Connolly
		Thomas G. Courtney

		Roger Stewart
		Daryl Beall
		Herman C. Quirnbach
		Steve Warnstadt
		Joe Bolkcom
		William Dotzler
		Joe M. Seng
		Wally E. Horn
S-3312	S.F. 453	Jack Hatch
		Robert E. Dvorsky
		Amanda Ragan
		Keith A. Kreiman
		Jack Holveck
		John P. Kibbie
		Matt McCoy
		Thomas G. Courtney
		Wally E. Horn
		Michael E. Gronstal
		Mike Connolly
		Roger Stewart
		Daryl Beall
		Herman C. Quirnbach
		Steve Warnstadt
		Joe Bolkcom
		William Dotzler
		Joe M. Seng
S-3313	S.F. 434	Steve Warnstadt
S-3314	H.F. 455	Herman C. Quirnbach
S-3315	S.F. 368	House
S-3316	S.F. 453	Doug Shull
		Mike Connolly
S-3317	S.F. 453	Jeff Lamberti
S-3318	S.F. 453	Michael E. Gronstal
S-3319	S.F. 453	Jeff Lamberti